Debating European Union governance in times of crisis

Abstract

The current article problematises European Union governance arrangements in times of crisis. The debate is built by arguing for a conceptual link between policy learning and indirect governance in the EU. These two frameworks are seen as fundamental theoretical pieces for understanding the EU’s learning journey and the resulting governance mechanisms during and after these major events. Yet, the article shows that none of these two approaches can explain on its own how EU governance evolves because of crises. It is rather by looking at the intersection between indirect governance and policy learning that we get a more complete picture of the EU governance landscape in times of crisis. This theoretical debate builds on recent EU crises and scrutinises the policy-politics link by concluding on the preferred forms of EU indirect governance in times of crisis, while adding insights from the literature on policy learning and entrepreneurship.

Key words

European Union, crisis management, governance arrangements, indirect governance, policy learning
Introducing the debate on EU governance in times of crisis

Governance arrangements are a key resource for any international organisation, allowing the emergence of policy initiatives and their consolidation through concrete implementation measures. The European Union is no exception. Its governance abilities have captured the attention of different literature strands looking into, for example, how governance helps to further European integration and to consolidate the EU as a global actor (Elgström, 2009, Holland and Doidge, 2012, Keukeleire and MacNaughtan, 2008, Lucarelli and Fioramonti, 2010, Lucarelli, 2007, Telò, 2007, Vadura, 2015). After a series of crises happening in less than a decade, touching upon almost all areas of EU public policy making, and ranging from the economic turmoil of the Eurozone to the migration and refugee challenges, and Brexit, COVID-19 is the most recent of these multiple EU crises. Due to its global reach, it brings back to the table the importance of a conceptual approach allowing us to understand how the EU learns from its interaction with other actors, including its Member States, but going beyond to account for non-EU actors (Serban, 2021a), and how this leads to updated governance arrangements. Different from daily policy issues, crises question and challenge the relevance of particular governance arrangements, while requiring arguably complex changes within the EU institutional architecture (Webber, 2019). This is mainly because such unordinary events tend to put the EU system under stress by testing the competence limits of its institutions and forcing its actors to face intractable policy problems.

The current article aims to raise a debate on how we can better understand the way in which EU governance arrangements get to be updated by looking at the balance between EU institutions’ competences and the complexity of the policy problem posed by the specific crisis. Thus, while acknowledging the EU polyarchic nature (Rangoni, 2019), the paper has the objective to debate the EU’s learning journey (Serban, 2021b) and the governance mechanisms that emerge as a consequence of these sensitive events.

The debate is built by arguing for a conceptual link between policy learning and indirect governance in the EU. These two frameworks are seen as fundamental theoretical pieces for understanding the EU’s learning journey and the resulting governance mechanisms during and after these major events. Yet, the article shows that none of these two approaches can explain on its own how EU governance evolves because of crises. It is rather by looking at the intersection between indirect governance and policy learning that we get a more complete picture of the EU governance mechanisms in times of crisis. While in the next sections I will debate the details of why each of these two theoretical approaches has important limitations in explaining on its own how the EU adapts its governance due to crises, the main point resides in the observation that, even if different in their nature and content, all crises tend to present two simultaneous and dangerous dynamics: they rise strategic
uncertainty within EU institutions, while contracting the EU Member States’ desire to allow solutions to be proposed and implemented through the EU supranational authority.

The main contribution of introducing this debate is a conceptual one, showing how the literature on policy learning sheds light on why and how indirect governance is used in times of crisis. Moreover, the article has important empirical consequences for how we understand the way in which the EU deals with crises. The next section explains crises as unordinary policy problems leading to contradictory dynamics. The subsequent part analyses how indirect governance addresses these contradictions, while highlighting the missing elements that need to be added to this theoretical model for a better fitted account of governance arrangements in times of crisis. The subsequent part looks at how policy learning can add to the theory on indirect governance and help to build a more complete image of the EU’s learning journey. Finally, the article concludes by analysing the implications of this integrated model for the EU and reflects on how and if this is better fitted to the context of EU crises.

**Crises as unordinary policy problems leading to contradictory dynamics**

Exceptional in their features, crises are unordinary policy scenarios in which policymakers have at their disposal an incomplete amount of information on the challenges that need to be faced (Brecher, 2008). Crises question institutional mechanisms, policy objectives and the tools to achieve them (Anderson et al., 2008). As a consequence, inconsistency, contractions and uncertainty represent the main milestone for policymakers and their institutions (Blyth, 1997). In this context, dealing with an incomplete account of the policy issue at stake becomes the main feature of a volatile policy environment.

Crises place actors on the ground of wicked (Rittel and Webber, 1973, Termeer and Dewulf, 2019) or unstructured problems (Hisschemöller and Hoppe, 1995). Unstructured problems have blurred borders and addressing them is different from addressing their individual parts. They tend to involve an increased number of actors at multiple levels (sub-national, national, supranational). Such vision opposes a mechanistic approach to policymaking and instead relies on ‘tacit knowledge, experience and heuristics’ (Capano and Howlett, 2019, p. 2). Consequently, crises become intractable policy problems because of strategic uncertainty. This strategic uncertainty has two main dimensions: on the normative side, they result in opposing values and norms being used to frame policy options, and, on the heuristic side, there is no consensus on the extent to which the relevant knowledge is already available in the policy environment (Rittel and Webber, 1973). This means that strategic uncertainty relates to both ‘(factual) complexity and (normative) conflict’ (Bannink and Trommel, 2019, p. 202). Thus, the related policy problems cannot be solved by moving
from recognising them to implementing concrete solutions, but instead become highly contested and politically defined (Hisschemöller and Hoppe, 1995).

As a consequence, actors confronted with this type of policy problems need to perform \textit{problem structuring} by integrating the contradicting information and the different solutions that may be proposed at different levels (Hisschemoller and Gupta, 1999). This exercise leads to a learning strategy being used instead of treating these issues in a linear or causal manner. What becomes a precondition for the success of the \textit{problem structuring} is the ‘shared sense of social and political responsibility’ (Hisschemöller and Hoppe, 1995, p. 53). Participants need to be engaged in such a way that self-interest and maximising economic gains are balanced by a process of informing each other on the policy options in which values are no longer opposing but rather reinforcing or at least allowing a compromise, and new policy ideas can be generated. Such dynamic produces new insights on the problem as a result of a learning process developed in order to allow \textit{problem structuring} and policy options (Hisschemoller and Gupta, 1999). Therefore, in order to structure problems and to allow the participation at different levels, policy actors need to replace causal mechanisms, allow a debate to be unfolded and account for knowledge coming from both inside and outside the system.

The crisis managements literature has analysed crises as inducing consistently different policy issues when involving international challenges (for example, conflicts with foreign actors) in opposition to those cases in which challenges need to be fought at the domestic level (like an economic crisis). Yet, these differences loose content when looking at international actors like the EU institutions. In this context, the external and internal features of the crisis become intertwined, since the nature of the EU itself sits somewhere between an external actor dealing with policy issues on behalf of its Member States (these issues include, for example, trade, crisis management, international aid) (Aggarwal and Fogarty, 2004, Holland and Doidge, 2012, Hynes and Scott, 2013, Jurje and Lavenex, 2014), and an actor that builds new institutional logics and, in order to do so, learns how to cooperate in innovative ways with its Member States and their institutions, through different forms of indirect and experimentalist governance (Gänzle and Mirtl, 2019).

Moreover, different from the conceptualisation of crises in the context of specific countries, the EU faces a particular normative conflict that induces a contradictory dynamic as a consequence of strategic uncertainty: countries tend to retract and redefine in more exclusive terms the governance tasks which were previously entrusted to a supranational entity such as the EU. Yet, at the same time and in order to remain relevant, the EU institutions need more resources in order to counter complexity (factual uncertainty) and propose a viable policy solution (Ackrill and Kay, 2011, Ackrill et al., 2013). COVID-19 has shown how Member States have reacted by unilaterally closing borders, going against previous agreements in the framework of the Schengen space, and overriding the EU authority in coordinating these crisis management efforts. While this scenario is quite similar to the Member States’
reactions during the refugee crisis, when national measures and interests were at odds with the European Commission proposals, the more interesting question is to what extent do these contradictory dynamics prevent the EU from adapting and continuing to play a role in the crisis resolution through different governance arrangements. The next sections explain how each of these contradictions can be addressed in the EU context.

EU governance in times of crisis through the lenses of indirect governance

The previous section has shown how crises induce exceptional policy challenges and thus produce a need on the EU side to use additional resources in order to deal with them. A main mechanism for addressing such needs is through building reiterative learning loops nourished by knowledge coming from other actors, and through building on their authority and legitimacy. This link has been conceptualised as part of the indirect governance theory (Abbott et al., 2016, Kiewiet and McCubbins, 1991). EU indirect governance has been defined as accounting for those mechanisms that help to address the governor's dilemma meaning that ‘no policy maker or ruler has the capabilities to govern single-handedly’ (Abbott et al., 2020, p. 621). This is different from the principal-agent theory. It continues showcasing the bounded rationality of the principal and the information asymmetry between the agent and the principal but goes beyond and stresses the power dynamics that are created as a consequence of this governance mechanism. It does so by showing how ‘more competent intermediaries can exert greater leverage over the governor than less competent intermediaries’ (Abbott et al., 2020, p. 627) because of their ability to produce better policy outcomes. It means that states and international organisations, in general, and the EU, in particular, start relying on a number of agents, aiming to balance both competency and the ability to control them (Abbott et al., 2016). Therefore, indirect governance yields an internal contradiction, and thus a dilemma. The contradiction is related to the relationship between competence and control that are two inversely correlated variables, with the resulting dilemma being how to make use of competence while still exerting control.

Indirect governance arrangements can be used at any point in time, yet they gain a special meaning in the context of crises. They help the EU to overcome the Member States’ unwillingness to allow the EU institutions to deal with, for example, the consequences of financial or migration crises (Trein, 2020). While analysing the balance of power and autonomy between the EU institutions and the Member States (Bechtel et al., 2014, Börzel and Risse, 2018), scholars working on indirect governance have turned upside down the assumption that, in times of crisis, Member States will retain authority and will tend to limit the supranational agency of international agents such as the EU institutions (Tesche, 2020). They have shown
how, for example, co-optation and orchestration have been used as ‘a counter-strategy to circumvent the constraints imposed by the new intergovernmental dynamics on supranational agency’ (Tesche, 2020, p. 116) and how they have allowed ‘supranational agency to “bypass” potential veto points controlled by intergovernmental forces and, thereby, govern beyond the scope of their formal authority’ (Tesche, 2020, p. 124).

Therefore, indirect governance allows the EU to work with agents at different levels and thus overcome its Member States’ susceptibility for policy proposals based solely on the authority and ability of EU actors. This means that through indirect governance, the EU and its institutions can overcome the normative conflict that crises tend to induce when replacing supranational governance with national responses, which are uncoordinated and most times present zero-sum policy visions (Niemann and Zaun, 2018, Niesen, 2017).

By accounting for all the possible combinations resulting from the control-competence matrix, we get a clear image of the possible arrangements under which these indirect governance dynamics can be used. There are four possible cases: delegation, co-optation, trusteeship and orchestration (Abbott et al., 2020). When accounting for the differences between these four forms of indirect governance, two other variables need to be considered in order to explain why and when a particular form may be preferred by the initiator actor. Here we refer to the ability to grant versus enlist authority, and to horizontal versus vertical relations between initiators and agents. I use the term initiator instead of principal. This is mainly for clarity purposes and because it describes better both horizontal and vertical relations between policy actors.

The four types of indirect governance have been described extensively by Abbott et al. (2016). The delegation governance arrangement builds on the principal-agent theory (Laffont and Martimort, 2002, Miller, 2005) and describes those cases in which an initiator (principal) delegates a governance task to an agent. The agent is controlled ex ante and ex post by the initiator and receives the concrete instructions on how to carry out such task. The agent’s authority comes from the initiator and it ‘is bounded by it’ (Abbott et al., 2020, p. 623). This is the mechanism that has been used in the European Stability Mechanism (Ban and Seabrooke, 2017) and has aimed at offering increased leverage to the EU Member States by pooling their financial contribution, using a superior credit rating, with creditor countries keeping conditionality and protecting themselves from moral hazard (Tesche, 2020). Thus, Member States have used delegation in the context of the Euro crisis as a mechanism of achieving improved outcomes compared to those that would have been achieved individually.

Co-optation is a second mechanism of indirect governance. In this case, ‘a co-optor (governor) enlists a co-optee (intermediary) with pre-existing authority over particular targets; once enlisted, however, the co-optee is subject to the co-optor’s hierarchical control’ (Abbott et al., 2020, p. 623). The motivation for the co-optee
relates to additional resources being granted by the co-optor similar to a clientelist exchange. An example related to the governance in times of crisis is the proposal made by the European Commission to the President of the Eurogroup to become a Vice-President of the Commission. The Commission offered additional competences to the Eurogroup President (a Euro area budget). Had the proposal been accepted, ‘the Eurogroup President’s dependence on the Commission would have grown and the authority relationship could have been inversed’ meaning this office would have turned its loyalty towards the Commission instead of the Member States (Tesche, 2020, p. 118).

These two forms of indirect governance, delegation and co-optation, keep a vertical relation between initiators and the delegated or co-opted agents, and they can be considered as the default preferred option by both the EU institutions and the EU Member States, and the least favoured option by third agents. This is mainly because these policy scenarios reinforce the initiators’ ability to keep control over third actors (Kiewiet and McCubbins, 1991). Yet, delegation is more feasible for Member States since it involves delegating authority, while co-optation will be an EU predominant type of indirect governance, involving enlisting authority to third actors. This is due to the fact that ‘granting authority is an unattractive option for supranational actors because authority is a scarce resource for them and its delegation is legally constrained’ (Tesche, 2020, p. 118).

While delegation and co-optation seem the preferred indirect governance mechanisms by initiators, solving normative conflicts and rebalancing in an innovative way the relation between national and supranational authority, these types of governance overlook the second dimension involved by crisis: uncertainty. Thus, by only accounting for the political (normative) dimension of crises, these mechanisms are not completely fitted governance approaches in times of crises. The way in which they are described in the literature does not account for the factual complexity (Little, 2012) involved by crises for both the initiator and the delegated actor, thus influencing the balance between competence and control. Different from ‘normal’ times, during crises, the factual complexity of the policy issue at stake can become at least as pressing as dealing with the normative conflict. In this context, the vertical relation between initiators and the delegated or co-opted agents will, in most cases, not be possible. This provides an explanation for why the European Commission proposal made to the Eurogroup President to become Vice-President of the Commission would have been an attempt very limited in its policy success. A political account of factual complexity obscures that the initiator needs a credible and independent agent if indirect governance is to solve the normative conflict and, at the same time, diminish the factual uncertainty. Only problem structuring able to build a ‘shared sense of social and political responsibility’ (Hisschemöller and Hoppe, 1995, p. 53) can provide an adapted response to the different crises, while actively searching a balance between politics and policymaking.
The next two forms of indirect governance, trusteeship and orchestration, are based on a different dynamic. Initiators using these two governance arrangements will prefer losing control in order to allow independent and credible third agents to achieve policy objectives on their behalf. In this case, the initiator loses its principal status (Miller, 2005), and becomes instead just another actor establishing horizontal relations with competent and legitimate actors, which are considered as being able to conduct governance tasks better than the initiator (EU actors). In the case of trusteeship, a trustor grants authority to a trustee and, similar to the delegation mechanism, establishes the terms of such grant. Yet, different from the delegation mechanism, the relation is a horizontal one, meaning that the trustee has autonomy in deciding how to achieve the trusted governance tasks. The way in which the European Central Bank functions is an example of trusteeship: an independent institution entrusted the financial stability of the EU, solving the concerns on politicisation and addressing the need for an arrangement that can be ‘completely independent of any political interference’ (Tesche, 2020, p. 117). This type of governance presents important caveats for trustors: while the ECB is initially granted authority by the trustor (EU actors), it has the ability to change the balance of power by making the trustor subject to its authority (Majone, 2001). This means that there are no hard control instruments, but rather ideational ones, through which the trustor aims to induce the trustee to conduct governance tasks in a way that would reinforce the trustor’s interests.

Concerning the fourth mechanism of indirect governance, orchestration, it will mainly be used when the initiator cannot grant authority. This concerns mainly those policy areas in which the initiator itself does not have exclusive competences. As previously mentioned, this tends to be the case of international organisations like the EU, given the EU scarce basis to use authority as a resource. Therefore, the EU will use orchestration when aiming to carry out a governance task by employing an actor that can show a credible and objective commitment to solving a pressing issue. Through orchestration, the initiator mobilises ‘an intermediary (agent), on a voluntary basis, in pursuit of shared governance goals’ (Abbott et al., 2020, p. 623). By being a horizontal governance arrangement, orchestration only leaves negotiation and persuasion as instruments to be used by the initiators in order to make sure that their objectives will be accomplished. Moreover, orchestration is the preferred governance arrangement by the EU when it has limited competence in a particular policy area and thus expects to face important opposition from the Member States. Orchestration does not need a strong legal support. For example, the European Fiscal Board has orchestrated national fiscal councils and thus managed to monitor the compliance with fiscal rules through the authority of these national fiscal watchdogs (Tesche, 2020), even if the EU itself does not have fully fledged competences in this particular policy area.

Figure 1 shows in a summarised way the variables and the resulting possible combinations in the indirect governance matrix.
By applying these two remaining forms of indirect governance to the case of the EU institutions, we can confirm that the sensitive policy scenarios generated by crises will make enlisting authority through orchestration more feasible as an EU governance arrangement. In this context, orchestration becomes the only available option when the EU needs to reinforce the credibility of the orchestrated actors, helping them to appear as competent and independent. While solving the independence problem and addressing the normative conflict over national versus supranational authority, orchestration as explained by indirect governance theories still presents an important caveat. The orchestrated actors are enlisted authority because they can offer credibility. Yet, indirect governance theories do not show how and if these agents play any role in addressing factual complexity. This means that the actor’s ability to produce knowledge on the policy problem is not as central as the nature of crises would require (Bannink and Trommel, 2019). When deciding on how to orchestrate agents in performing governance tasks, the EU institutions, more generally, and the European Commission, more concretely, account for the contribution of these actors to face factual complexity. Therefore, the orchestrated is not only an intermediary whose competence is that of an objective mediator, as indirect governance theories would suggest. Instead, it needs to have abilities to deal with factual complexity. Indeed, an institution such as the national fiscal council has specialised knowledge that is of high importance to the European Fiscal Board. The European Fiscal Board and the national councils ‘exchange best practice, and produce common knowledge about the fiscal rules’ (Tesche, 2020, p. 123).

Overall, when trying to explain governance in times of crisis, indirect governance theories have important shortcomings. Scholars working in this strand have accounted for the political justification showing why and when indirect governance mechanisms are used and have questioned the different forms of interaction between agents and initiators. Nevertheless, they have overlooked the nature of the policy problem (Ackrill et al., 2013). In times of crisis, factual complexity becomes as crucial as the evolution of the normative conflict over national versus supranational authority. Indirect governance theories focus too much on politics and on how actors trade control over credibility and competence, and instead obscure the intractability of crises. One option to overcome this challenge is to use policy learning lenses.
EU governance in times of crisis through the lenses of policy learning

Indirect governance theories help us to understand the workarounds that the EU and, more specifically, the European Commission tend to use for overcoming Member States susceptibility over supranational solutions when facing crises. Adding to this mechanism of solving normative conflicts, the use of policy learning lenses can offer explanatory mechanisms on how solutions can be found and implemented while dealing with factual complexity.

The literature on policy learning has shed light on the different types of learning that can be enabled by governance actors, namely epistemic and reflexive learning, as well as learning through bargaining and through hierarchy. These four types of learning have been described extensively elsewhere (Dunlop et al., 2020, Dunlop and Radaelli, 2018). Accounting for one of the two main factors used for conceptualising these four types of learning, i.e., the problem tractability, we can conclude that those types of learning happening when the tractability is low will have higher importance and become predominant in the context of crises. Here we refer not only to complexity and incomplete information, but also to the tractability of past policy options and to the way in which past policy decisions condition the available current options, yet the account that policymakers have of these previous policy scenarios and their implications is incomplete and sometimes even misleading (Thelen, 2003, Van der Heijden, 2011). Consequently, when faced with crises, organisations develop mainly reflexive and epistemic learning.

The difference between reflexive and epistemic learning comes from the existence (epistemic learning) or non-existence of certified actors (reflexive learning) that help framing responses to a particular challenge. We can reasonably expect that, in the context of crises, the EU will not count on all the needed knowledge and certified actors to deal with complex problems and will most likely need to also rely on external experts. Therefore, we will see reflexive learning predominantly happening between EU institutions, Member States and other non-EU countries, while epistemic learning will be the one happening when relying on either EU agencies (as the main semi-autonomous EU bodies), or more global and external expertise such as the one of United Nations (UN) specialised agencies.

Both internal and external epistemic learning can be related to indirect governance. We can mainly conceptualise them in relation to trusteeship, when the source of learning comes from the EU agencies, and to orchestration, when the source of learning comes from a global (UN) agency (Abbott et al., 2020). Both forms of horizontal indirect governance help the specific organisation to accomplish its objectives by offering access to the resources needed to deal with factual uncertainty and complexity. This means that they are sources of policy legitimacy, offering access to knowledge and empirical experience. Even if the importance of knowledge and
experience can be read between lines in the way horizontal indirect governance is
described by previous authors working in this strand of the literature (Tesche, 2020),
previous research misses the explanation on how and why such external knowledge
is important and how it works in practice. Shedding light on the importance of creating
a space in which actors work together, learn from each other and generate policy
solutions (Rein and Schö, 1996), reflexive and epistemic learning offer a way to
understand how uncertainty is dealt with by policy actors.

This indeed offers a complementary explanation to the contingent learning
conceptualised by Kamkhaji and Radaelli (2017). Building on human contingency
learning, their plausibility clause shows how the EU actors react to unexpected stimuli
through contextual association rather than updating inferential beliefs during crises.
This in turn leads to intra-crisis management through *problem structuring* using cue-
outcome dyads, with inferential learning happening only when and if ‘feedback is
sufficiently strong to anchor the lessons learned’ (Kamkhaji and Radaelli, 2017, p.
723). Yet, reflexive and epistemic learning are still possible if multiple actors are testing
out cue-outcome dyads at different levels, increasing the number of outcomes and
thus allowing feedback to be accumulated and anchored more quickly.

This type of learning has indeed been present in the way in which the European
Union and, more specifically, the European Commission have dealt with crises.
Getting back to the example of the COVID-19 sanitary crisis, the European
Commission and its Commissioner for Home Affairs, Ylva Johansson, built on their
exchange of information and trusteeship relation with the European Centre for Disease
Prevention and Control (ECDC) in order to help them navigate the complexity or
factual uncertainty of reopening the EU internal borders. Concerning the easing of the
lockdown measures by reopening the internal borders, Commissioner Johansson
cited the ECDC when stating that keeping closed the internal border is ‘not an effective
way of dealing with the pandemic now’ (EURACTIV, 2020). In addition to the internal
borders, the Commission recommended ‘partial and gradual lifting of travel restrictions
to the EU after 30 June’, meaning the reopening of external borders ‘based on a
common coordinated approach’ (European Commission, 2020). This coordinated
approach was spelled out in more details when explaining that the external travel
restrictions ‘should be lifted for countries selected together by Member States, based
on a set of principles and objective criteria including the health situation, the ability to
apply containment measures during travel, and reciprocity considerations, taking into
account data from relevant sources such as ECDC and WHO’ (European Commission,
2020). This shows how previous indirect governance arrangements such as
orchestration with a UN agency like the WHO are used to deal with both political
concerns (*reciprocity considerations*) and factual complexity (*health situation*).

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1 Intra-crisis management happens while a crisis is still unfolding, and the inter-crisis management is
the learning process that happens between crises.
2 A semi-autonomous EU Agency ‘aimed at strengthening Europe's defences against infectious
To understand how and why we should consider the nature of the dialogue with ECDC and WHO as part of trusteeship and orchestration arrangements of the EU, we need to understand the EU financial and institutional contribution to these organisations. It comes straightforward that there will be a dependence relation between the EU main institutions and the ECDC as an EU agency (ECDC, 2020), which even if financed through EU money keeps its scientific and expert institutional independence. We can also refer to the signature of a €102 million contribution agreement with WHO at the European Development Days in Brussels back in June 2019. Through this agreement, the EU aimed to ‘invest in building health care systems to provide quality services in more than 80 African, Caribbean, Pacific, and Asian countries’ (European Commission, 2019). This is only one of the recent examples showing how the EU has orchestrated the WHO for achieving policy outcomes that support the EU global vision.

In addition to epistemic learning in which internal and external agencies such as the ECDC and the WHO are used, another type of policy learning that happens in a crisis context is the one between the European Commission, on one side, and the EU Member States and EU Council, on the other side. This is predominantly reflexive policy learning, and it is used in addition to indirect governance arrangements as a source for generating policy options and justifying the process of choosing the final policy solution based on the epistemic learning with the ECDC and WHO providing the needed source of internal and external sanitary information.

While epistemic learning can be dealt with from the perspective of indirect governance, the reflexive learning happening within the EU in times of crises can be better dealt with by using the theoretical lenses of organisational political capacities and policy entrepreneurship. This strand of the literature has shown that organisations ‘cannot simply focus on what its governance partners can be taught. Rather, capacity building becomes about the understandings that all governance parties can generate through their interactions’ (Dunlop, 2015, p. 262). This has indeed been the case of the European Commission since the beginning of the COVID-19 crisis, mediating the different positions of the Member States on a wide range of issues from the borders closure to economic stimuli and solidarity between the net contributors and the net beneficiaries, similar to previous EU crises (Koehler and König, 2015, Kuhn et al., 2018). Here we discuss about a fully-fledged type of policy entrepreneurship which is needed in these special times, and includes analytical, operational and political competences (Mukherjee and Giest, 2019). This combination of entrepreneurship skills is aimed at ensuring that the organisation does not attempt ‘to deal with wicked problems without appropriately investigating or researching problem causes or the probable effects of policy alternatives’ (Strassheim, 2018, p. 95).

In the context of crises, the political competences relate to how organisations deal with normative conflict over supranational versus national competences, with how they know when to switch between different forms of governance in order to prevent conflicts from arising and political failures from happening (McConnell, 2010a,
McConnell, 2010b). The second type of competences, the analytical ones, deals with processes of epistemic learning. By informing the internal debate using external expertise, analytical abilities help to deal with factual uncertainty. Moreover, the operational entrepreneurship results from reflexive learning and the process of choosing the most suitable policy option after having dealt with normative conflict and factual uncertainty. It is by mixing this set of competences that organisations can manage to learn from past errors while designing policy solutions for current crises (Howlett and Ramesh, 2015a, Howlett and Ramesh, 2015b, Little, 2012).

Since the start of the COVID-19 crisis, the Commission and the Council have used operational entrepreneurship in addition to analytical and political competences to decide on the recommended list of ‘safe’ countries whose citizens should be allowed to enter the EU countries from 1st of July 2020. The first list has included Algeria, Australia, Canada, China³, Georgia, Japan, Montenegro, Morocco, New Zealand, Rwanda, Serbia, South Korea, Thailand, Tunisia and Uruguay, having the aim to update it every two weeks. Operational entrepreneurship has come mainly in the form of epidemiological criteria used for deciding on which countries should be on the list and which countries should be left out of it:

‘number of new COVID-19 cases over the last 14 days and per 100 000 inhabitants close to or below the EU average (as it stood on 15 June 2020) […] stable or decreasing trend of new cases over this period in comparison to the previous 14 days […] overall response to COVID-19 taking into account available information, including on aspects such as testing, surveillance, contact tracing, containment, treatment and reporting, as well as the reliability of the information and, if needed, the total average score for International Health Regulations (IHR). Information provided by EU delegations on these aspects should also be taken into account’ (EU Council, 2020).

These criteria built on information from specialist agencies, on the political priorities of Member States, as well as on objective benchmarks that could be easily implemented by the Member States. So, while the epistemic learning processes involved analytical and political skills, the reflexive learning used as a policy process to decide on these criteria added the operational side to the EU entrepreneurship involving mainly the Commission and its Home Affairs Commissioner, and the Council, as well as the country holding the rotating presidency (Croatia, at the beginning of the crisis; followed by Germany from 1st July 2020 and Portugal from 1st January 2021).

Reflexive learning happens also because of the dialogue with other countries and political actors around the world, including other international organisations of which the EU itself is not a member. This builds on the idea of the EU as a complex adaptive system (Serban, 2021a) and of how the EU regularly updates its ways of behaving as an international actor by learning from countries around the world about their ways of

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³ This is conditioned by the reciprocity from the Chinese authorities for EU nationals.
confronting and solving similar issues. While the complexity of these interactions falls outside of the scope of the current paper, we can also expect that this sort of interactions with third countries and international organisations will become more intensive during crises. As for the COVID-19 case, the idea of reciprocity has its roots in the interaction with and the measures coming from these third actors.

Even if overcoming the shortcomings of the indirect governance theory in terms of showing the importance of factual complexity and how it conditions the available policy options, neither policy learning nor organisational political capacities can provide a full explanation on their own of policymaking in times of crisis. They account for the nature of the policy issue at stake, but obscure the political implication and the power disputes between the actors involved in a reiterative learning process (Dooley, 1997, Eoyang and Holladay, 2013). It is this part that is better dealt with by the indirect governance literature.

Building an integrated model accounting for policy uncertainty and politics or proposing a way forward to conceptually deal with crises

The current section aims to add the final reflections on the usefulness of bringing together the two main theoretical approaches proposed in the previous sections for understanding how the EU institutions, in general, and the European Commission, in particular, deal with normative conflict and factual uncertainty (or complexity) in times of crisis. Thus, the table below summarises the possible scenarios while accounting for the different types of indirect governance and policy learning in the context of crises in relation to the needed entrepreneurial abilities to allow the emergence of policy solutions as a consequence of policy learning.

Figure 2. Policy learning and entrepreneurial abilities

<table>
<thead>
<tr>
<th>Epistemic learning</th>
<th>Reflexive learning</th>
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<tbody>
<tr>
<td><strong>Sources of factual information</strong></td>
<td><strong>Through indirect governance arrangements</strong></td>
</tr>
<tr>
<td>Analytical</td>
<td>Analytical</td>
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<tr>
<td>Political</td>
<td>Operational</td>
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<tr>
<td>trustee (from EU agencies)</td>
<td>orchestration (from UN agencies)</td>
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</table>

Source: Own synthesis
The table shows that both epistemic and reflexive learning are connected with the concrete sources of factual information needed to deal with factual uncertainty, but also with concrete entrepreneurial abilities which need to be displayed if the normative conflict is to be solved (analytical and political abilities when using indirect governance arrangements) and the factual uncertainty diminished (when policy solutions are identified and the operational ability is added to the analytical and political ones). This overcomes the limitations of both indirect governance (Abbott et al., 2016, Kiewiet and McCubbins, 1991, Majone, 2001) and the policy learning literature (Dunlop et al., 2020, Dunlop and Radaelli, 2018) when dealing with crises and accounting exclusively for normative conflicts over supranational versus national authority in solving the policy crisis (this is the case of indirect governance) or for factual uncertainty (such as the policy learning literature).

By looking at the interaction between forms of governance, on one side, and policy learning and policy entrepreneurship, on the other side, we can better deal with the policy-politics nexus in times of crises. This has both conceptual and empirical consequences. Conceptually, we get to spell out the problem structuring process and understand its limitations, challenges and opportunities. Empirically, we manage to account for how both the nature of the policy crisis at stake and the politics dynamics get to condition the policy solutions being proposed and defended by a supranational entity like the European Commission. Moreover, we see how this can only be understood if we account for interinstitutional dynamics and, at the same time, look at other EU institutions such as the EU Council.

These implications span over the way in which we understand EU actorness in times of crisis and go one step further in showing what we may expect to be the policy responses of international organisations when faced with normative conflicts and factual uncertainty, while developing their actorness and competences, even if many times this process may not come straight forward. This means that crises are indeed a policy challenge and can sometimes make international organisations irrelevant, yet other times can contribute to reinforcing their status as international actors. The case of the EU shows a mix of results, with failures in dealing with crises being developed to a larger extent in the existing literature (Ban and Seabrooke, 2017, Bechtel et al., 2014, Börzel and Risse, 2018). While this is indeed crucial for understanding the nature of EU crises, scholars should also focus more on the possibly positive policy and politics dynamics happening within the EU because of crises.
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